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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,745	12/12/2003	Bernd Helm	HELM	9532
20151	7590	06/06/2005	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			HANNON, THOMAS R	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,745

Applicant(s)

HELM, BERND

Examiner

Thomas R. Hannon

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/03&3/9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 3682

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings submitted December 12, 2003 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities: Paragraph [0017] sets forth "piston 11" and "clutch disks 12". Paragraph [0018] sets forth "coating 11" and "coating 12". The same reference number should not be used to refer to different parts. The drawings include reference numbers 11 and 12 agreeing with Paragraph [0018], the coatings. There are no reference numbers in the drawings indicating the piston and clutch disks.

Appropriate correction is required.

Claim 1 is objected to because of the following informalities: In line 8, "ZnFe" should be changed to --ZnFe--. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 2, it is not understood how the radial bearing is "operated by a pressure medium".

Art Unit: 3682

It is unclear whether a combination or subcombination is to be covered by the claims. Claim 1 in the preamble defines a radial bearing disposed between transmission parts, and proceeds to define structure of the radial bearing, indicating that it is the subcombination to be claimed. However, the dependent claims further define structure of the intended use combination, namely the member being press-fit in the transmission part, and the particular material of the transmission part. If the combination is to be claimed the preamble must be amended to clearly define this intent. If only a radial bearing is to be claimed, then further limitations defined by the dependent claims must be related to the radial bearing, not the transmission parts.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Grell et al. 5,670,265.

The bearing race disclosed by Grell et al. corresponds to the claimed sleeve. The method of manufacturing limitation in the product claim does not patentably define over the structure disclosed by Grell, nor does the functional limitation.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Muller 5,967,046. The cylinder of Muller corresponds to the claimed sleeve, having the claimed coating thereon. The method of manufacturing limitation in the product claim does not patentably define over the structure disclosed by Muller, nor does the functional limitation.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giese 5,547,060 in view of Grell et al. 5,967,046.

Giese discloses a radial bearing disposed between transmission parts moving in opposition to one another at different speeds, comprising an inner sleeve for attachment to one transmission part, an outer sleeve for attachment to another transmission part plural rolling bodies disposed between the inner sleeve and the outer sleeve, one member has openings for passage of pressure medium to a pressure medium feed bore in one of the transmission parts and a pressure medium bore in the other one of the transmission parts, the inner and outer sleeves are press-fit in their respective transmission parts. Grell discloses a radial bearing in which the bearing members are coated with a zinc-nickel or a zinc-iron coating. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bearing elements of Giese such that they are coated with a zinc-nickel or a zinc-iron coating because this is taught and suggested by Grell as providing a bearing assembly having anti-corrosive properties. With respect to claim 4, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the part interacting with the outer sleeve of Giese of cast iron material, because the use of cast iron as a material for transmission parts is notoriously old and well known in the art.

Art Unit: 3682

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Hannon whose telephone number is (571) 272-7104.

The examiner can normally be reached on Monday-Thursday (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas R. Hannon
Primary Examiner
Art Unit 3682

trh